REMARKS

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-36 were pending at the time of the Office Action. Claims 15, 24, and 33 are canceled, claims 1, 4, 6-9, 10, 11, 16-20, 25-29, and 34-36 are amended, and new claims 37-39 are added herein. The amendments and the new claims are supported by the application as originally filed. For example, support for the amendments and the new claims may be found in the specification at least at pages 3, and 11-13 and Figure 4. Thus, no new matter is presented by the amendment. As a result, claims 1-14, 16-23, 25-32, and 34-39 are pending for consideration.

Claim Objections

Claims 6, 15, 24, and 33 stand objected to as allegedly failing to further limit a previous claim. Applicant respectfully traverses the objection. Nevertheless, solely in the interest of expediting issuance, Applicant amends claim 6 and cancels claims 15, 24, and 33 without prejudice, thereby rendering moot the objection to claims 15, 24, and 33. Applicant respectfully requests that the objection of claim 6 be withdrawn.

Cited Documents

The following documents have been applied to reject one or more claims of the Application:

- **Zhang**: Zhang, U.S. Patent Application Publication No. 2003/0058931.

- **Radha**: Radha, U.S. Patent Application Publication No. 2003/0002579.

- **Haskell**: Haskell, U.S. Patent No. 5,742,343.

Claims 1-36 Are Non-Obvious Over Zhang in view of Radha and further in view of Haskell

Claims 1-36 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang in view of Radha and further in view of Haskell. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting issuance, Applicant amends claims 1, 4, 69, 10, 18, 19, 27, 28, and 36 as shown above to highlight distinctions.

Independent Claim 1

In light of the amendments presented herein, and the above-referenced discussion with the Examiner, Applicant asserts that the rejection of independent claim 1 is moot.

Applicant's representative understood the Examiners to agree that the cited documents do not teach or suggest at least, "obtaining a bitstream of encoded video data, the encoded video data including an encoded base layer and one or more encoded enhancement layers, the video data having been encoded according to a high HQRB (high quality reference bit-rate) that determines how many bits of an enhancement layer bitstream are used to reconstruct a high quality reference image; decoding the enhancement layer bitstream from the bitstream of encoded video using the content distribution server; [and] extracting motion vectors from the encoded base layer and skipping coded coefficients and other information at the encoded base layer to transcode the enhancement layer bitstream," as recited in claim 1.

As discussed during the interview, none of the cited documents teach or suggest decoding the enhancement layer bitstream as recited in the claim while

extracting motion vectors from the base layer while the base layer is encoded. Notably, Zhang discusses employing "decoding of the base layer bitstream." <u>Zhang</u>, [0048]. Additionally, Radha describes a decoder including a "BL [base layer] decoding module ... for decoding frames in the BL bitstream." <u>Radha</u>, [0053]. Moreover, Haskell discusses "decoded base layer video." <u>Haskell</u>, cc. 11-12, ll. 67-1.

Consequently, at least because not every element and feature recited in claim 1 is taught or suggested by any of the cited references singly or by the purported combination of Zhang in view of Radha further in view of Haskell, Applicant respectfully requests that the rejection of this claim be withdrawn and the application passed to issuance.

Dependent Claims 2-5 and 7-9

Claims *2-5 and 7-9* depend from independent claim 1. As discussed above, independent claim 1 is asserted patentable over the cited documents. Therefore, claims *2-5 and 7-9* are also asserted patentable over the cited documents of record for at least their dependency from a patentable base claim. These claims may also be patentable for the additional features that each recites.

Independent Claim 10

In light of the amendments presented herein, and the above-referenced discussion with the Examiner, Applicant asserts that the rejection of independent claim 10 is moot.

Applicant's representative understood the Examiners to tentatively concur that the cited documents do not teach or suggest at least, "producing a bitstream of encoded video data, the encoded video data including an encoded base layer and one or more

encoded enhancement layers, the video data having been encoded according to a high level high quality reference bit-rate (HQRB) that determines how many bits of the enhancement layer bitstream are used to reconstruct a high quality reference; decoding the enhancement layer bitstream from the bitstream of encoded video data using the processor; [and] extracting motion vectors from the encoded base layer while keeping the bitstream of the encoded base layer unchanged," as recited in claim 10.

As discussed during the interview and mentioned above, none of the cited documents teach or suggest decoding the enhancement layer bitstream as recited in the claim while extracting motion vectors while keeping the bitstream of the encoded base layer unchanged.

Consequently, at least because not every element and feature recited in claim 10 is taught or suggested by any of the cited references singly or by the purported combination of Zhang in view of Radha further in view of Haskell, Applicant respectfully requests that the rejection of this claim be withdrawn and the application passed to issuance.

Dependent Claims 11-14, 16-18 and New Claim 37

Claims 11-14, 16-18, and new claim 37 depend from independent claim 10. As discussed above, independent claim 10 is asserted patentable over the cited documents. Therefore, claims 11-14, 16-18, and 37 are also asserted patentable over the cited documents of record for at least their dependency from a patentable base claim. These claims may also be patentable for the additional features that each recites.

For example, claim 37 recites that "the decoding of the enhancement layer bitstream, comprises processing by variable length decoding and bit-plane decoding to extract at least two groups of coefficients, the at least two groups of coefficients comprising: a first of the at least two groups of coefficients being for the high quality reference; and a second of the at least two groups of coefficients being for the high quality video decoded to be transcoded." None of the cited documents have been shown to teach or suggest this feature.

Independent Claim 19

In light of the amendments presented herein, and the above-referenced discussion with the Examiner, Applicant asserts that the rejection of independent claim 19 is moot.

Applicant's representative understood the Examiners to tentatively concur that the cited documents do not teach or suggest at least, "extracting motion vectors from an encoded base layer of the encoded video data and skipping coded coefficients and other information at the base layer to transcode the enhancement layer bitstream; ... wherein the encoded base layer remains encoded for streaming to the client computing device," as recited in claim 19.

As discussed during the interview and mentioned above, none of the cited documents teach or suggest "extracting motion vectors from an encoded base layer of the encoded video data" and the encoded base layer remaining encoded, as recited in the claim.

Consequently, at least because not every element and feature recited in claim 19 is taught or suggested by any of the cited references singly or by the purported

combination of Zhang in view of Radha further in view of Haskell, Applicant respectfully requests that the rejection of this claim be withdrawn and the application passed to issuance.

Dependent Claims 20-23, 25-27 and New Claim 38

Claims 20-23, 25-27, and new claim 38 depend from independent claim 19. As discussed above, independent claim 19 is asserted patentable over the cited documents. Therefore, claims 20-23, 25-27, and 38 are also asserted patentable over the cited documents of record for at least their dependency from a patentable base claim. These claims may also be patentable for the additional features that each recites.

Independent Claim 28

In light of the amendments presented herein, and the above-referenced discussion with the Examiner, Applicant asserts that the rejection of independent claim 28 is moot.

Applicant's representative understood the Examiners to tentatively concur that the cited documents do not teach or suggest at least, "means for obtaining an encoded video data having an encoded base layer and one or more encoded enhancement layers, the video data having been encoded according to a high level high quality reference bit-rate (HQRB) that determines how many bits of the enhancement layer bitstream are used to reconstruct a high quality reference image; [and] means for decoding the enhancement layer bitstream from ... video data [encoded according to a high level high quality reference bit-rate (HQRB)], using the encoded base layer bitstream without decoding the encoded base layer bitstream; [and] means for

Serial No.: 10/736,955
Atty Docket No.: MS1-1694US
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-23-
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maintaining a difference between the enhancement layer encoded according to the high level HQRB and the enhancement layer bitstream based at least on the new HQRB," as recited in claim 28.

As discussed during the interview and mentioned above, none of the cited documents teach or suggest using an encoded base layer bitstream to decode an enhancement layer bitstream without decoding the encoded base layer bitstream and "maintaining a difference between the enhancement layer encoded according to the high level HQRB and [an] enhancement layer bitstream based at least on [a] new HQRB," as recited in the claim.

Consequently, at least because not every element and feature recited in claim 28 is taught or suggested by any of the cited references singly or by the purported combination of Zhang in view of Radha further in view of Haskell, Applicant respectfully requests that the rejection of this claim be withdrawn and the application passed to issuance.

Dependent Claims 29-32, 34-36 and New Claim 39

Claims 29-32, 34-36, and new claim 39 depend from independent claim 28. As discussed above, independent claim 28 is asserted patentable over the cited documents. Therefore, claims 29-32, 34-36, and 39 are also asserted patentable over the cited documents of record for at least their dependency from a patentable base claim. These claims may also be patentable for the additional features that each recites.

Conclusion

For at least the foregoing reasons, all pending claims are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that would prevent allowance of this application, **Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

By: /Bea Koempel-Thomas 58213/   Dated: 04/30/2010

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